

## **REMARKS**

### **Drawing Objections:**

The Examiner objected to the drawings because the Examiner states that the drawings do not show the claim limitation of “the trigger mechanism.” Applicant respectfully disagrees. First, the claims recite “an upper housing with an elastomeric cover that covers at least a portion of a trigger mechanism.” As illustrated below, the drawings do show the claim limitation of “the trigger mechanism.” At paragraph 47, the specification describes Figs. 5 and 5A and states that “the elastomeric cover 16 is provided with a button 17 ...” In addition, paragraph 50 describes an additional embodiment shown in Fig. 7 of the claimed “trigger mechanism” by describing that an “elastomeric cover 106 that covers the trigger mechanism ...” Moreover, paragraph 55 describes an additional embodiment shown in Fig. 8 of the claimed “trigger mechanism” by describing that a “button 170 is provided on the interior side of the elastomeric cover 106.” Consequently, person of ordinary skill in the art would understand based on these disclosures that the “trigger mechanism” includes multiple components which can vary based upon the particular embodiment, such as “button 17” of Figures 5 and 5A or “button 170” of Figure 9.

### **102/103 Rejections:**

Original Claims 1 -13 are pending. Reconsideration is respectfully requested of the rejection of claims 1 – 6 and 9 – 13 under 35 U.S.C. §102(b) as allegedly being anticipated by GB 2,257,421, hereinafter “Thompson,” or under 35 U.S.C. §103(a) as obvious over Thompson in view of US 4,911,344 (“Kahler”) or Kahler and US 2,653,706 (“Aggson”).

Applicants do not concur with the Examiner in the Examiner’s analysis of the claims and the cited references. The following limitations of independent claim 1 are not disclosed nor suggested in the Thompson patent:

**A. “elastomeric cover”**

This claim limitation is not disclosed by Thompson. Additionally, because Thompson teaches no “elastomeric cover,” the reference cannot teach “when sufficient force is applied to the elastomeric cover, the dispenser mechanism moves forward...” as recited in claim 1. As detailed above, the elastomeric cover imparts advantages on the invention by defining an actuation point for activating the trigger mechanism, whereas Thompson requires that the entire lid 50 be depressed. For example, at paragraph 47, the specification describes Figs. 5 and 5A and states that “the elastomeric cover 16 is provided with a button 17 ...” In addition, paragraph 50 describes an additional embodiment shown in Fig. 7 of the claimed “trigger mechanism” by describing that an “elastomeric cover 106 that covers the trigger mechanism ...” Moreover, paragraph 55 describes an additional embodiment shown in Fig. 8 of the claimed “trigger mechanism” by describing that a “button 170 is provided on the interior side of the elastomeric cover 106.”

**B. “lever pivotally mounted across the dispensing zone”**

The examiner states that Thompson’s “flexible control element 38” is the same as the claimed “lever pivotally mounted across the dispensing zone”. Thompson’s element does not pivot and does not operate as a lever.

**C. “a hook element of the lever mechanism extends into the dispenser zone blocking tablets from being dispensed through the opening”**

The examiner states that Thompson’s lower “curved free end 40 of control element 38” is the same the claimed “a hook element of the lever mechanism extends into the dispenser zone blocking tablets from being dispensed through the opening.” As shown in Figures 3 and 4, Thompson’s element never blocks tablets from being dispensed, as required by applicant’s claimed limitation. Instead, Thompson’s tablets are blocked from being dispensed by vertical wall 14.

**D. “the pusher bar is not in contact with the upward extending leg...when the dispenser mechanism is at rest, but...when sufficient force is applied to the**

**elastomeric cover...the upward extending leg of the lever mechanism contacts the pusher bar”**

The examiner does not state that Thompson discloses nor suggests the claim limitation “the pusher bar is not in contact with the upward extending leg...when the dispenser mechanism is at rest, but...when sufficient force is applied to the elastomeric cover...the upward extending leg of the lever mechanism contacts the pusher bar,” nor cite any specific feature as equivalent to the upward extending leg of the lever mechanism. Instead, the Examiner states that element 38 is the same as the claimed lever mechanism and that side member 26 is the same as the claimed upward extending leg. However, as can be seen in each of the Thompson drawings (best in Figure 1), these Thompson elements are always connected and remain in a fixed relationship with each other, regardless of whether the dispenser is at rest or being actuated.

**E. “the hook element of the lever mechanism pivots in the opposite direction of the upward extending leg”**

The examiner states that Thompson’s “end portion 40 of control element” is the same as the claimed “the hook element of the lever mechanism pivots in the opposite direction of the upward extending leg.” However, the Thompson “end portion 40 of control element” does not “pivot” as required by applicant’s claims.

These same limitations or similar limitations are in the other independent claims 5, 6, 7 and 8. As such, independent claims 5, 6, 7 and 8 are clearly patentable over Thompson for the same reasons.

As for the secondary references, the Examiner does not rely on any of these secondary references to make up for the missing elements discussed above.

Accordingly, it is respectfully submitted that the rejection raised by the Examiner in the April 28, 2010 Office Action has been overcome and that the above-identified application is now in condition for allowance.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,  
GREENBERG TRAURIG, LLP

Dated: July 28, 2010

By: /Barry J. Schindler/  
Barry J. Schindler  
Registration No. 32,938

Mailing Address:  
GREENBERG TRAURIG, LLP  
MetLife Building  
200 Park Avenue  
New York, NY 10166  
Telephone: (212) 801-2100  
Facsimile: (212) 801-6400